



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/726,104

11/29/2000

Eugene A. Rogalski JR.

D/A0626 XER 2 0384

1791

7590

08/24/2004

Albert P. Sharpe, III, Esq.  
Fay, Sharpe, Fagan  
Minnich & McKee, LLP  
1100 Superior Avenue, 7th Floor  
Cleveland, OH 44114-2518

EXAMINER

MILIA, MARK R

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/726,104

Applicant(s)

ROGALSKI ET AL.

Examiner

Mark R. Milia

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Examiner notes the absence of claim 18, which will be treated as if it were cancelled.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "108" has been used to designate both "set order flag" and "reorder all pages and delete duplicate pages from storage". Reference character "108" should be "114". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

2. Claim 14 is objected to because of the following informalities: The claim fails to end with a period. All claims must end in a period. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6466336 to Sturgeon et al.

Regarding claims 1 and 13, Sturgeon discloses an electronic reprographic system comprising an input system for converting contents of a document page to a digital representation (see column 3 lines 46-48 and column 4 lines 12-14), a storage system operatively connected to said input system for storing said digital representation (see column 4 lines 24-33 and column 5 lines 26-29), a processing system operatively connected to said storage system and said input system (see column 4 lines 6-12 and column 5 lines 22-26) comprising a character recognition module (see column 6 lines 27-31), a reference number locator module (see column 6 lines 27-34), and a page sequence integrity determinator module (see column 7 lines 15-30), a user interface operatively connected to said processing system for posting document integrity messages to a user and inputting user responses to said messages (see column 3 lines 50-58), and an output system operatively connected to said storage system and said

Art Unit: 2622

processing system for outputting said digital representation (see column 4 lines 20-23).

Regarding claims 2 and 15, Sturgeon discloses the system as discussed above in claims 1 and 13, and further discloses wherein said reference number comprises a page number (see column 6 lines 54-65).

Regarding claims 3 and 16, Sturgeon discloses the system as discussed above in claims 1 and 13, and further discloses wherein said reference number is a column number (see column 6 lines 54-65, reference states reference number being a page number or similar designation and a column number is a similar designation and therefore anticipated by the reference, an example of similarity is the format of the U.S. Patent which do not have page numbers but instead have column and line numbers).

Regarding claims 4 and 17, Sturgeon discloses the system as discussed above in claims 1 and 13, and further discloses wherein said reference number is a line number (see column 6 lines 54-65, reference states reference number being a page number or similar designation and a line number is a similar designation and therefore anticipated by the reference, an example of similarity is the format of the U.S. Patent which do not have page numbers but instead have column and line numbers).

Regarding claims 5 and 20, Sturgeon discloses the system as discussed above in claims 1 and 13, and further discloses wherein said reference number is of one or more formats selected from Roman numeral and alphanumeric (see column 6 lines 54-65, column 7 lines 15-17, and Fig. 5, reference states

Art Unit: 2622

reference number being a page number which is analogous to an alphanumeric format and therefore is anticipated by the reference).

Regarding claims 6 and 19, Sturgeon discloses the system as discussed above in claims 1 and 13, and further discloses wherein said output system comprises a printer (see column 4 lines 20-23 and 41-44).

Regarding claim 7, Sturgeon discloses an electronic reprographic system comprising an input system for converting contents of a multi-page document page to a plurality of digital representations (see column 3 lines 46-48 and column 4 lines 12-14), a storage system operatively connected to said input system for storing said digital representations (see column 4 lines 24-33 and column 5 lines 26-29), a processing system operatively connected to said storage system and said input system for generating processed digital representations (see column 4 lines 6-12 and column 5 lines 22-26) comprising a character recognition module (see column 6 lines 27-31), a reference number locator module (see column 6 lines 24-34), a page sequence integrity determinator module (see column 7 lines 15-30), a page insertion module (see column 9 lines 45-49, column 1 lines 54-67, and column 2 lines 1-14, reference teaches the ability, desire, and technique to insert absent pages) a page deletion module (see column 9 lines 45-49), and a page reordering module (see column 7 lines 15-30), a user interface operatively connected to said processing system for posting document integrity messages to a user and inputting user responses to said messages (see column 3 lines 50-58), and an output system operatively

Art Unit: 2622

connected to said storage system for outputting said processed digital representations (see column 4 lines 20-23).

Regarding claim 8, Sturgeon discloses the system as discussed above in claim 7, and further discloses wherein said reference number comprises a page number (see column 6 lines 54-65).

Regarding claim 9, Sturgeon discloses the system as discussed above in claim 7, and further discloses wherein said reference number is a column number (see column 6 lines 54-65, reference states reference number being a page number or similar designation and a column number is a similar designation and therefore anticipated by the reference, an example of similarity is the format of the U.S. Patent which do not have page numbers but instead have column and line numbers).

Regarding claim 10, Sturgeon discloses the system as discussed above in claim 7, and further discloses wherein said reference number is a line number (see column 6 lines 54-65, reference states reference number being a page number or similar designation and a line number is a similar designation and therefore anticipated by the reference, an example of similarity is the format of the U.S. Patent which do not have page numbers but instead have column and line numbers).

Regarding claim 11, Sturgeon discloses the system as discussed above in claim 7, and further discloses wherein said reference number is of one or more formats selected from Roman numeral and alphanumeric (see column 6 lines 54-65, column 7 lines 15-17, and Fig. 5, reference states reference number being a

Art Unit: 2622

page number which is analogous to an alphanumeric format and therefore is anticipated by the reference).

Regarding claim 12, Sturgeon discloses the system as discussed above in claim 7, and further discloses wherein said output system comprises a printer (see column 4 lines 20-23 and 41-44).

Regarding claim 14, Sturgeon discloses the system as discussed above in claim 13, and further discloses wherein said step of processing further comprises the steps of inserting missing pages in said storage system (see column 9 lines 45-49, column 1 lines 54-67, and column 2 lines 1-14, reference teaches the ability, desire, and technique to insert absent pages), deleting duplicate pages from said storage system (see column 9 lines 45-49), and reordering pages in said storage system (see column 7 lines 15-30).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show state of the art refer to U.S. Patent numbers 6496277 (Chapin et al.) and 5801837 (Hamanaka et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (703) 305-1900. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (703) 305-4712. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.





Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia  
Examiner  
Art Unit 2622

MRM

  
JOSEPH R. POKRZYWA  
EXAMINER  
ART UNIT 2622

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600